

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Johnny Lee Gore, FCDC #3037797,
(BOP #12801-050),

Plaintiff,

vs.

U.S. Department of Justice Drug
Enforcement Agency; and Office of the
U.S. Attorney, State of South Carolina,

Defendants.

C.A. No. 2:09-37-HMH-RSC

OPINION & ORDER

This matter is before the court with the Report and Recommendation of United States Magistrate Judge Robert S. Carr, made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02 of the District of South Carolina.¹ Johnny Lee Gore (“Gore”), a pro se federal prisoner, filed a complaint requesting that the court order the Defendants to expedite their responses to Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, et seq, requests by Gore. In his Report, Magistrate Judge Carr recommends dismissing the complaint without prejudice and without issuance and service of process because Gore is barred by the three-strikes rule from pursuing the claims alleged in his complaint without first paying a filing fee.

¹ The magistrate judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this court. See Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the magistrate judge or recommit the matter with instructions. See 28 U.S.C. § 636(b)(1).

Gore filed objections to the Report and Recommendation. Objections to the Report and Recommendation must be specific. Failure to file specific objections constitutes a waiver of a party's right to further judicial review, including appellate review, if the recommendation is accepted by the district judge. See United States v. Schronce, 727 F.2d 91, 94 & n.4 (4th Cir. 1984). In the absence of specific objections to the Report and Recommendation of the magistrate judge, this court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

Upon review, the court finds that Gore's objections are non-specific, unrelated to the dispositive portions of the magistrate judge's Report and Recommendation, or merely restate his claims. Therefore, after a thorough review of the magistrate judge's Report and the record in this case, the court adopts Magistrate Judge Carr's Report and Recommendation. Therefore, it is

ORDERED that the complaint, docket number 1, is dismissed without prejudice and without issuance and service of process. It is further

ORDERED that Gore's motion for leave to proceed in forma pauperis, docket number 2, is denied.

IT IS SO ORDERED.

s/Henry M. Herlong, Jr.
United States District Judge

Greenville, South Carolina
January 28, 2009

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified that he has the right to appeal this order within sixty (60) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.